



State of Utah

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October 26, 2005

TO: Susan White, Mining Program Coordinator *SMW*
FROM: Paul Baker, Reclamation Biologist *PBB*
Subject: Justification for Variance Request, Decorative Landscaping, T&M Holdings Mine, S/035/023, Salt Lake County, Utah

Decorative Landscaping has requested a variance from a portion of rule R647-3-109. For the disturbed area of a small mine to expand beyond five acres and the site to remain a small mine, the operator is required to reclaim an area equivalent to the expansion beyond five acres and to wait one growing season before expanding.

Decorative Landscaping has already disturbed, regraded and seeded a five-acre area and desires to mine an additional five-acre area without waiting for a growing season before expanding. The amended notice of intention gives justification for the variance and explains the alternate methods to be used to be consistent with the Act.

The operator has graded, seeded, mulched, and fertilized the existing disturbance. The alternate method being used has been to water the disturbed area in an attempt to accelerate germination and growth, thus simulating a portion of a growing season. This practice is consistent with the requirements of the Act to stabilize the land affected. If these practices are not successful, the operator would be required to reseed the reclaimed areas the same as an operator who had waited the growing season.

For these reasons, I recommend approval of the variance request.
Thank you for your consideration.

PBB:jb

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